

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

UNITED STATES OF AMERICA,)	
)	CRIMINAL ACTION NO.
v.)	2:17cr327-MHT
)	(WO)
CRISTIAN DANIEL SANCHEZ)	

OPINION AND ORDER

This cause is before the court on defendant Cristian Daniel Sanchez's unopposed motion to continue trial. For the reasons set forth below, the court finds that jury selection and trial, now set for November 6, 2017, should be continued pursuant to 18 U.S.C. § 3161(h)(7).

While the granting of a continuance is left to the sound discretion of the trial judge, United States v. Stitzer, 785 F.2d 1506, 1516 (11th Cir. 1986), the court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

"In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an

offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."

§ 3161(c)(1). The Act excludes from the 70-day period any continuance based on "findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." § 3161(h)(7)(A). In granting such a continuance, the court may consider, among other factors, whether the failure to grant the continuance would "result in a miscarriage of justice," § 3161(h)(7)(B)(i), or "would deny counsel for the defendant ... reasonable time necessary for effective preparation, taking into account the exercise of due diligence," § 3161(h)(7)(B)(iv).

The court concludes that, in this case, the ends of justice served by granting a continuance outweigh the interest of the public and Sanchez in a speedy trial. According to Sanchez's motion, the government

produced a significant amount of additional discovery on October 16, 2017, and more time is needed to review those documents and follow-up with investigation. A continuance is warranted to allow the parties to prepare adequately and effectively for trial. The government does not oppose Sanchez's motion to continue.

Accordingly, it is ORDERED as follows:

(1) Defendant Cristian Daniel Sanchez's unopposed motion to continue (doc. no. 27) is granted.

(2) The jury selection and trial for defendant Sanchez, now set for November 6, 2017, are reset for December 4, 2017, at 10:00 a.m., in Courtroom 2FMJ of the Frank M. Johnson Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

DONE, this the 26th day of October, 2017.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE